

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES February 28, 2018

Members:

Matt Mastin, Chairman
Mike Bottillo
Jim Moore
Nancy Kupiec
Kurt Bergmann

Also Present:

Alison Lovely, Planning Board Secretary
Joseph Slater, Planning Board Attorney
Adam Yagelski, Director of Planning & Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Matt Polsinello & Ralph Viola were both absent.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the February 14, 2018 meeting minutes as is.
Seconded by Nancy Kupiec. Motion carried by a 4-0 vote.

PUBLIC HEARINGS:

Keller-110 Springhurst Drive North-Special Use Permit

(17-26)

Kurt Bergmann advised that he would be abstaining from voting on this matter as he knows and lived next to the applicant at one time.

Chairman Mastin read the following resolution: The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to New York State Town Law Section 274-b(6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 110 Springhurst Drive North, East Greenbush, NY, Tax Map # 177.8-4-56, which is Zoned PDD. The applicant is seeking a Special Use Permit to conduct a massage therapy business, which is required Per Section II Table II-A Section 2.4 Use Schedule of the Town's Comprehensive Zoning Law (Health/Medical; offices or clinic, outpatient). Said Public Hearing will be held on Wednesday, February 28, 2017 at 7:05 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board Matt Mastin, Chairman

Chairman Mastin read some items into the record which are in the file: Nancy Kupiec's report, Letters from the resident's at 108 Springhurst Drive N.; 107 Springhurst Drive N.; 112 Springhurst Drive N.; and 118 Springhurst Drive N.; the report from Rensselaer County Economic Development and Planning and then asked the applicant to present her proposal. Sara Keller stated that she is a single mom and has previously worked in different salons and is now looking to have 3-4 clients a day/every other week come to her home for appointments. Sara Keller stated that she has room in her driveway for 4 cars but there would only be one car there at a time and she is not proposing to have any signage. Chairman Mastin asked the Board if anyone had any questions. There were none. Chairman Mastin asked if there was anyone present to speak in favor or opposition to the application.

- Matt Chlebus from 120 Springhurst Drive N. stated that he objects to the application. He read a letter that is in the file.
Sara Keller stated that the hours of operation would likely be Monday through Wednesday from 9am to 7 or 8pm.
 - A woman from the neighborhood spoke and stated that she picked that area to live in because there are no businesses there and wanted to know if by granting this if it will open it up to other businesses.
 - Nancy Kupiec stated that it's the trend now for people to work out of their homes or for other people who are retired to have a part time business. She likes the Special Use Permit process, she had to get one to have her construction business run out of her house.
- Chairman Mastin stated that his opinion on traffic is that it's a different issue with people coming to a specific house as opposed to people who just drive through the neighborhood.
- Jim Moore read section 3.11.1 A of the Comprehensive Zoning Law and stated that the Board reviews Special Use Permits and can impose conditions, he also read the criteria for a SUP.
- Joseph Slater stated that the Board can set a time limit to review the application and if there are issues then the Board can revoke it. Joseph Slater proposes a three month condition and the applicant will need to come back in for a public hearing. * See the attached resolution.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board hereby closes the public hearing.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec -YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

Chairman Mastin read the proposed resolution. * See the attached resolution.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board hereby schedules a public hearing for May 23, 2018.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec -YES; K. Bergmann-Abstains.

MOTION CARRIED BY A 4-0 VOTE

WATERMIRE-440 LUTHER ROAD-MINOR 2-LOT SUBDIVISION

(18-01)

Chairman Mastin read the following resolution: The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of Dorothy Waltermire for a Minor 2- Lot Subdivision called the "Dorothy Waltermire 2-lot minor Subdivision". Lot 1 consists of 2.00 +/- acres with an existing house on it. Lot 2 consists of 9.85 +/- acres, the remaining lands. The property is located at 440 Luther Road in the R-OS, Residential Open Space Zoning District, Tax Map # 167.-4-15. Said Public Hearing will be held on Wednesday, February 28, 2017 at 7:15 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board Matt Mastin, Chairman

Rod Michael of RDM Surveying presented the proposal to the Board. Lot #1 now conforms at 2 acres and Lot #2 is a flag lot with a 30' wide access strip. Chairman Mastin asked if the Board had any questions. There were none. Chairman Mastin asked if there was anyone present in favor of or opposition to the minor 2-lot subdivision. There was no one present in favor of or opposition to.

MOTION: A motion was made by Chairman Mastin as follows: The Town Planning Board hereby closes the public hearing.

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec –YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

WATERMIRE-440 LUTHER ROAD-MINOR 2-LOT SUBDIVISION (18-01)

MOTION: A motion was made by Chairman Mastin as follows: The Town Planning Board has taken a “hard look” at the potential environmental impacts of this project by carefully considering and reviewing the Short Environmental Assessment Form, considering all the Applicant’s proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire and rescue and MS-4 storm water management and hereby issues a Negative Declaration under SEQRA.

Seconded by Jim Moore & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec –YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby grants conditional approval subject to the following:

- **Satisfying outstanding technical details as determined by the Town Planning Department; and**
- **All remaining fees are paid to the Town.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec –YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

PROFESSIONAL OFFICES-164 COLUMBIA TRPK.-SITE PLAN MODIFICATION (17-24)

Steve Hart of Hart Engineering and Tyler Culberson were both present. Steve Hart stated presented the landscaping plan to the Board and stated that they meet the code for greenspace. Steve Hart stated that the dumpster location is now on the plans, it sits on a 2 bay pad in the rear of the building, he also showed the Board a building rendering. Chairman Mastin asked if the Board had any questions.

- Kurt Bergmann asked if the HVAC system was on the roof. Tyler Culberson stated it's been updated and is in the rear of the building.
- Jim Moore asked if the heads to the existing lights will be replaced. Steve Hart stated that they are cut offs and are within the property lines.
- Nancy Kupiec asked about the email she received earlier about traffic counts. Steve Hart explained this and stated that the counts are substantially less than what was there when it was K-Mart. There will only be about 130 full time employees and then additional people here and there. Steve Hart stated that Blake Buckner has no issues with traffic. Chairman Mastin asked if there was anything else. There was nothing.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board has taken a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the Environmental Assessment Form, considering all the Applicant's proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire and rescue and MS-4 storm water management and hereby issues a Negative Declaration under SEQRA.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec -YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval of the Site Plan Modification as depicted on the plans prepared by Hart Engineering and dated 12/11/17 & last revised on 2/15/18, subject to the following:**

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department; and**
- **All remaining fees are paid to the Town.**

Seconded by Jim Moore & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec -YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

KRILL-876 LUTHER ROAD-LOT LINE ADJUSTMENT

(18-04)

Deborah Krill presented the proposal to the Board. She stated that in October of 2016 a two lot subdivision was approved and a lot line adjustment is being requested on Lot #2 (which was approved as a flag lot). Due to site distances, the approved 45' of frontage on lot #2 has been changed to 55'. Chairman Mastin asked if the Board had any questions. There were none.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares itself Lead Agency and issues a Negative Declaration under SEQRA and grants final approval of the proposed lot line adjustment prepared by RDM Surveying, and dated February 1, 2018 & last revised on February 15, 2018.**

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec –YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

NYISO-10 KREY BOULEVARD-LOT LINE ADJUSTMENT (18-05)

Genevieve Trigg, attorney from Whiteman Osterman & Hanna & Gary Lind from NYISO were both present. Genevieve stated that this lot line adjustment was approved in August of 2016 and upon filing the approved lot line adjustment plan with Rensselaer County for recording, they discovered that the title to the five lots to be consolidated were not in NYISO's name. Therefore this change had to be made in order to file the maps correctly, so that is why they are back in front of the Board. The lots are now in NYISO's name and can be filed correctly. Chairman Mastin asked if there were any questions from the Board. There were none.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares itself Lead Agency and issues a Negative Declaration under SEQRA and grants final approval of the proposed lot line adjustment prepared by Creighton Manning, and dated April 25, 2016.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec –YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

UABDC-1 DISCOVERY DRIVE-SITE PLAN MODIFICATION (18-06)

John Montagne from GPI presented the proposal to the Board. John Montagne stated that this is the service area of the old sterling building behind the B-wing and currently is a field and the old shredder building will be removed. John Montagne stated that the existing parking lot is 10,000 square feet and they want to expand it by 14,000 square feet. John Montagne stated that he doesn't feel a full SWPPP will be necessary as they are only disturbing a ½ acre. A swale runs down the side of the proposed lot which will go into the existing containment area and the site plan meets the landscaping requirements. Chairman Mastin asked if the Board had any questions.

- Kurt Bergmann asked if there would be any emergency vehicle issues. John Montagne stated that this new proposal will improve circulation and he's hoping they don't have to do a center island. Four new trees are proposed around the outside of the parking lot.

- Jim Moore asked what triggers the requirement for screening. John Montagne referred to Section 3.1.9 criteria and said it's a Type 4 parking lot.

- Kurt Bergmann asked if the truck dock would still be operational and if an island would make it more difficult for the trucks. John Montagne stated that yes the truck dock is going to get rebuilt and that the island near

the building doesn't need to be a landscaped island. Adam referred to Section 3.1.4 and stated that there are different standards.

Chairman Mastin asked if there was anything else.

- Nancy Kupiec stated that parking closer to the building is needed.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated December 20, 2017, prepared by Greenman-Pederson Inc. for the proposed site plan.**

Seconded by Jim Moore & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec –YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

UPDATES:

DEER POND-ELLIOT ROAD-MAJOR 62-LOT SUBDIVISION-UPDATE ONLY (14-08)

Andy Brick, an attorney from the Don Zee Law firm stated that he has been retained by the applicant to help with the outstanding items surrounding this subdivision so that they can hopefully get the project to a position where the Board can act on it. He is handling the water & sewer district extension petition which has been drafted. Andy Brick stated that as part of this project a water tower will be constructed at the applicant's expense to help increase water pressure not only within the project but to the surrounding homes in the area in. He feels the applicant should receive some type of reduction in mitigation fees because of this. Chairman Mastin stated that he should speak to the Town Board regarding reductions in mitigation fees. Andy Brick stated that the applicant has received a comment letter from Adam Yagelski & Hank LaBarba and are in the process of officially responding to those comments, and they want to get the Board's comments tonight regarding the outstanding items. Rejean DeVaux from Boswell was present to handle all the technical items. Chairman Mastin stated that Hank LaBarba was present and is representing the Town as the Engineer for this project. Also present were Greg Forgea from the East Greenbush Fire Department and Phil Dixon who is helping the Town regarding SEQR.

Chairman Mastin stated that one of the big issues is the road. The applicant is proposing a 24' wide road and per the Town's DPW Commissioner and the Fire Department, this isn't sufficient width, they would both like 28'. Rejean DeVaux stated that he got some fire department apparatus data off the Fire Department's web site. Greg Forgea spoke and stated that the information he got isn't the apparatus that the Fire Department currently has and stated that the Fire Department wasn't concerned with the turning radius', they are concerned with the width of the truck and cars getting around. Rejean DeVaux stated that's why they proposed a stone back shoulder.

●Kurt Bergmann asked what if cars were parked on both sides of the roadway. Rejean DeVaux stated that when they did the design there were 6' wide vehicle on each side and it wouldn't be a problem. Greg Forgea stated that the width of the largest truck is 19 1/2' when it's set up and his issue is who fixes the stone back shoulder if they were to drive on it. Andy Brick stated that the issue is that addition of 4' along the entire length of the roadway is a significant increase in impervious surface and will force them to redo the SWPPP which would be a huge cost as it's about 99% complete. Andy Brick stated that they followed Town road standards as compared to other Town roads and he feels that the 24' with the crusher run on each side is a good balance. Chairman Mastin asked whose responsibility it would be to maintain the crusher run on each side. Rejean DeVaux stated it would be a Town dedicated right away, so the Town would. Andy Brick stated that they would get the specifications on the Fire Department's biggest truck and plot it and provide it to Hank LaBarba to review prior to the next meeting.

●Kurt Bergmann stated that he is concerned with safety regarding the reduced width of the roadway. Hank was concerned about where the 24' road width came from. Jim Moore stated that he had commented due to his concern with pedestrian safety, when you have a wider road, cars seem to travel faster than they should. Jim Moore asked if the 28' width means 14' travel lanes. Rejean DeVaux stated that is correct. Jim Moore stated there should be a process to accept the 24' width as they aren't currently part of the Road Standards if it's decided to go this route. Hank LaBarba stated that the Town has not adopted formal road standards.

- Jim Moore asked if there are sidewalks. Rejean DeVaux stated that there is not as there are swales.
- Nancy Kupiec asked if the driveways would be wider. Rejean DeVaux stated that they would have a single entrance with a second parking stall.

Chairman Mastin asked if Hank LaBarba is good with water and sewer. Hank LaBarba stated that yes, there will be a pump station and the water line will be changed at Elliot Road. There will be a water booster station and a water storage tank.

- Jim Moore asked if the Electric Avenue pump station has a backup generator. Hank LaBarba stated that it does now.

Andy Brick had a question on the storm water maintenance fees for the ponds, he feels they should agree on a fee and it should be paid up front.

- Jim Moore stated there has been a discrepancy on the ownership of the storm water basins. Rejean DeVaux stated that at first a HOA was mentioned but they are still discussing an avenue for the Town to own them and not set up an HOA.

Chairman Mastin stated that there are a couple of outstanding issues regarding traffic.

1. They need to rerun the model.
2. Propose a specification for those wings to get reviewed by the Fire Department and Hank LaBarba, an actual base that would be a subbase of the road.

Andy Brick asked procedurally are they proposing a specification to Hank or is Hank giving them a specification. Chairman Mastin asked the applicant to propose a specification to Hank as the Town is not going to design it for you.

There was a discussion on the SEQRA review with Phil Dixon. Given that the project had been stalled for quite some time it was determined that the Planning Board still needed to declare itself Lead Agency.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby declares our intent to seek lead agency under a coordinated SEQR review and declare the project a Type 1 action.

Seconded by Jim Moore & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; N. Kupiec –YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

Rejean DeVaux stated that originally Chazen Companies requested curbing throughout the project, but they are wondering what the Board & Hank LaBarba recommend. Chairman Mastin stated that they are fine with the applicant proposing the roadway without curbing & will wait for Hank LaBarba's recommendation. Rejean DeVaux stated that the archeological survey is the only outstanding item holding up SEQR as it didn't initially include the water tower.

- Jim Moore asked why a gravel road as opposed to an asphalt road up to the water tank is proposed. Rejean DeVaux stated that's what they usually propose. Hank LaBarba asked for a letter in writing regarding the archeological issue for the water tank site.

TOWN CENTER PDD/MAJOR SITE PLAN-COLUMBIA TURNPIKE-UPDATE ONLY (17-19)

Steve Hart from Hart Engineering and Tyler Culberson were both present to give an update to the Board. Steve Hart stated that the parcel consists of 35 acres and 300 apartments are proposed, the upper floors of building A, & all of building's B, C & D are all three story buildings in the B-1 Zone. The buildings are all two story in the R-B zone & are 10-14 units maximum. Steve Hart stated that due to comments from Ralph Viola, they have changed the location of the proposed cul de sac; there is a 10' wide paved pedestrian/bike trail that connects Eckmann Place to Hannaford which sits on top of the proposed sewer easement. Steve Hart stated that there is no intent yet for the future commercial pad site. MJ Engineering is currently reviewing the project and all traffic comments have been addressed. Steve Hart stated that they have talked with Hank LaBarba and George Lovely about water and sewer so there doesn't seem to be any issues, half of the sewer would go to Columbia Turnpike and half would go to the trunk line.

●Joe Slater asked what the timeline is for a Public Hearing for the Town Board. Tyler Culberson stated that they are looking for a favorable recommendation to the Town Board on the PDD and then have a public hearing. Joe Slater noted that a SEQRA public hearing before the Town Board would be necessary before that occurred.

●Chairman Mastin asked if there was any phasing for construction as the market study stated that they could only support 160 units. Tyler Culberson stated yes, 168 units, so they're going to construct in 50 unit phases. Building's A, B; C & D would all be built in single phases and then half of building E. Chairman Mastin stated he is trying to figure out how the Town would approve the PDD, and then would the Planning Board phase the site plan approval. Joe Slater stated that the project could be approved in phases. Phil Dixon spoke and stated that procedurally as far as SEQR goes, the next step that has to take place is that the Town Board has to make a determination of significance, whether to require an environmental impact statement or issue a negative declaration. Chairman Mastin asked if the Town Board has declared their intent to seek lead agency yet and Phil Dixon stated that yes they have. Adam Yagelski stated that the coordinated letters had gone out in January. Phil Dixon stated that the first step is the Town Board needs to make a determination of significance and then the Planning Board can proceed with recommendations. Adam Yagelski stated that there was a meeting earlier today to discuss the SEQR process and that the goal is to have a decision on the approach next week by either a positive declaration or a negative declaration. Steve Hart stated that they were proposing to present to the Town Board on March 14, 2018 to bring the Board up to speed since there are some new members.

Chairman Mastin asked if the applicant if they have thought about doing a visual evaluation off of Parkview Drive, to show what it would look like. Tyler Culberson stated not yet but they have made changes to the plan to have a 50' of no clearing and then another 50' to the building setback line. Tyler Culberson stated that he wanted to discuss the emergency access only road to Jefferson Avenue and asked if anyone had any comments.

●Jim Moore stated that is a real sticking point for him, he feels that not having it open comprises effective connectivity and it doesn't build on local road network. He also thinks that people who live there could have friends in the other neighborhoods so it limits how they get there & he feels it would also be an improvement to public safety.

Chairman Mastin asked how wide the roads are. Steve Hart stated that they are 30'.

Adam Yagelski asked how would opening the Jefferson Avenue affect the traffic study. Tyler Culberson stated that they have talked to Creighton Manning about it and that some feel that the people from the Sherwood Avenue neighborhood would come into this development and then out onto Columbia Turnpike and some feel that people from this neighborhood would go through to Phillips Road and out to the light. Tyler stated that they could start out with the limitation and then see how things go.

Chairman Mastin asked if there was anything else. There was nothing else.

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

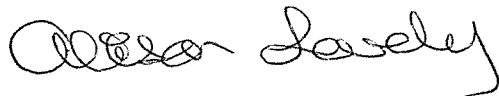
NEW ZBA REFERRALS:

NONE

ADJOURMENT:

There being no further business before the Board, the meeting was adjourned by Chairman Mastin. Seconded by Nancy Kupiec. Carried by a 5-0 vote.

Respectfully Submitted

A handwritten signature in cursive script that reads "Alison Lovely". The signature is written in black ink and is positioned above the printed name.

Alison Lovely, Planning Secretary

Town of East Greenbush
PLANNING BOARD

In the matter by:
Sara Keller
For a **Special Use Permit**

**Resolution and
Final Decision of
Planning Board**

File No. 17-26

Whereas, An application has been filed by Sara Keller, of 110 Springhurst Drive North, East Greenbush, NY, proposing the operation of a home occupation involving a massage therapy business. The property is located in a Planned Development Zoning District (PDD). This application has been examined for compliance with the applicable provisions of the Comprehensive Zoning Laws and the Town Code of East Greenbush; New York State Town Law Section 274-b and Section 3.11 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit to conduct a massage therapy business, which is required Per Section II Table II-A Section 2.4 Use Schedule of the Town's Comprehensive Zoning Law (Health/Medical; offices or clinic, outpatient); and.

Whereas, The applicant has filed an application requesting a Special Use Permit at the property located on 110 Springhurst Drive North, East Greenbush, NY (Tax Map No. 177.8-4-56); and

Whereas, The Planning Board has duly published a notice of public hearing regarding this appeal in The Record on February 15, 2018; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Planning Board on Wednesday, February 28, 2018 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the SEQR; now, therefore, be it

Resolved, That the Planning Board makes the following findings of fact:

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11.01 of the Town's Comprehensive Zoning Law; and the requirements of a Home Occupation as defined in Section 3.9 of the Town's Comprehensive Zoning Law; therefore be it

Resolved, that the application for a Special Use Permit for the operation of a home occupation for a massage therapy business, be Granted for an initial period of 3 months with the following conditions:

- That the applicant shall submit a copy of her NYS Massage Therapy license to the Town Planning Department.
- The home shall not have signage to promote the business.
- The home occupation shall continue to conform to the regulations set forth in Section 3.9 of the Town's Comprehensive Zoning Law.
- The applicant shall comply with all NYS licensing requirements applicable to massage therapists.
- There shall be no on-street parking by patients.
- The amount of patients to be treated per day is limited to 4.
- The hours of operation shall be limited to 9 am to 8 pm. (M-F)
- Should the applicant's massage therapy license expire or be revoked, the Special Use Permit is extinguished.

This resolution was moved by Matt Mastin and seconded by Nancy Kupiec at a meeting duly held on February 28, 2018.

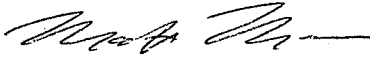
(Discussion)

A vote was taken as follows:

Matt Mastin	<u>Yes</u>
Matt Polsinello	<u>Absent</u>
Jim Moore	<u>Yes</u>
Mike Bottillo	<u>Yes</u>
Ralph Viola	<u>Absent</u>
Nancy Kupiec	<u>Yes</u>
Kurt Bergmann	<u>Abstained</u>

Motion carried 4-0

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By: 
Matt Mastin, Chairperson

Dated: March 14, 2018

**Granting of this variance, does not preclude the applicant from obtaining a building permit.*